



FEB 08 2006

DocuID: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid CMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

460-010088-US (PAR)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 06 February 2006Signature Lisa ShimizuTyped or printed name Lisa Shimizu

Application Number

09/757,913

Filed

01/10/2001

First Named Inventor

Kalliokulju et al.

Art Unit

2145

Examiner

Choudhury, A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

 attorney or agent of record.Registration number 24,139 attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Henry I. Steckler

Typed or printed name

(203) 259-1800

Telephone number

06 February 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.



*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The present invention is a packet network and a method of relocating the header compression context in the packet network which transmits packets having compressed headers. A connection is established between a mobile terminal and a first network entity and context information used with compression and decompression of the headers of the packets is stored at the mobile terminal and the first network entity. The context information updating is stopped in the mobile terminal and in the first network entity, and after that, a snapshot of the compression and decompression context is taken and stored in the first network entity. The connection between the first network entity and the mobile terminal is changed to a connection between the mobile terminal and a second network entity. The context information snapshot stored by the first network entity is transferred to the second network entity to be stored therein as the context information of the second network entity. The stored context information at the mobile terminal and the second network entity is then used for compression and decompression of the headers of the packets. Because the context information has not changed during the relocation process, the compressor of the mobile terminal and the decompressor of the new network entity are automatically in synchronism, and the data transfer can be continued thereby reducing the time required.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Maggenti.

Chen discloses a method for reducing a synchronization delay between a header compressor and a header decompressor, when transmission interruptions, e.g., a handover, occur in wireless communication. When a transmission interruption takes place and some transmitted data is dropped, the header data is buffered and then retransmitted on an additional, i.e., non-traffic, channel to the mobile station MS. The data sent via a traffic channel and the re-transmitted data from the non-traffic channel are reassembled before inputting into the decompressor.

Chen does not even mention the use of context information, much less any method of updating context information between the header compressor and the header decompressor as recited in claims 1 and 12. The synchronization process of Chen requires that full headers are transmitted/retransmitted from the compressor to the decompressor.

Maggenti discloses a point-to-multipoint group communication system, wherein multimedia data is converted into suitable data packets in a communication device, which further distributes the data packets to the recipients. The Examiner refers to a single passage (col. 23, ll. 8 - 46), which discusses a CRTP header compression and how it is applied to RTP/UDP/IP headers.

Maggenti does not teach to use context information, nor mentions any method of updating context information between the header compressor and the header decompressor as recited in claims 1 and 12. In fact, Maggenti teaches (col.

23, ll. 31-33) that header fields that remain constant over the life of the RTP session are sent once at the start of the session and never retransmitted again. On the other hand, Chen teaches to retransmit full header data in order to resynchronize the compressor and the decompressor. Due to these contradictory teachings, it is improper to combine the references, see Harsten Manufacturing Corp. v. Cleveland Golf Co., 58 USPQ2d 1286, 1293 (CAFC 2001); In re Ratti, 123 USPQ 349, 352 (CCPA 1959); MPEP 2143.01, sect. VI. However, even if somehow combined, both references teach using full headers; neither of them teaches to update only the context information. The drawbacks (being disruptive and requiring a large bandwidth) of using full headers are discussed in the background of the current application (p. 3, ll. 3 - 10).

The primary argument of the Examiner is that, even though neither Chen nor Maggenti disclose the concept of "context information", the Examiner considers it merely a flag indicating the compression state, and the use of a flag is obvious for a skilled man. The Examiner further argues that since Maggenti discloses ending transmission of headers (header sent only once) and Chen discloses retransmission of headers, the claimed invention becomes obvious.

First, "context information" is not a flag indicating the compression state, but it comprises various static and dynamic data defining the operation of the compressor and the decompressor, which is disclosed, e.g., on p. 6, lines 9 - 20, of the present application. As admitted by the

Examiner, Chen does not mention the use of context information. Therefore, Chen does not teach any method of updating context information between the header compressor and the header decompressor. Second, as explained above, Maggenti does not disclose using context information, or updating it between the header compressor and decompressor.

Accordingly, even a combination of Chen and Maggenti would not teach a skilled man to first stop the context information updating in the mobile terminal in the first network entity, and then take a snapshot of the old compressor and the decompressor context information and delivered to the new network entity as recited in claims 1 and 12.

In summary, since the references have contradictory teachings, they cannot be combined. Even if they are somehow combined, the result is not the present invention since the claimed "...stopping the context information updating... taking a snapshot of the compression and decompression context... transferring the context information snapshot... to the second network entity... and using the... context information for compression and decompression of the headers..." of claim 1 would be missing. Claim 12 has similar limitations.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the

application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested.

Respectfully submitted,

Henry J. Steckler

Henry J. Steckler

Reg. No. 24,139

Feb. 6, 2006

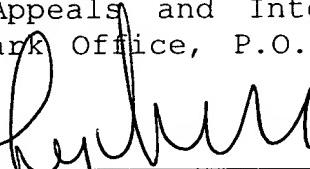
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Board of Patent Appeals and Interferences, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450

Date: 6 Feb 2006 Signature:



Person Making Deposit